

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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E\*TRADE Securities LLC,  
*Plaintiff,*

v.  
Deutsche Bank AG et al.,  
*Defendants.*

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E\*TRADE Securities LLC as assignee of  
Fiserv Securities, Inc.,  
*Plaintiff,*

v.  
Nomura Canada, Inc. et al.,  
*Defendants.*

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Civil No. 02-3711 (RHK/AJB)

ORDER

Civil No. 03-5311 (RHK/AJB)

BASED UPON THE STIPULATIONS (Civil No. 02-3711, Doc. No. 900, Civil No. 03-5311, Doc. No. 477), **IT IS ORDERED** that all claims by E\*TRADE Securities LLC against James Smith in the above-entitled actions are hereby **DISMISSED WITH PREJUDICE**, without further costs, disbursements or attorneys' fees to any party.

Dated: September 8, 2006

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge